

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NATIONAL ORGANIZATION FOR MARRIAGE, :
INC., :

Plaintiff,

v.

JAMES WALSH, in his official capacity as co-chair :
of the New York State Board of Elections; :
DOUGLAS KELLNER, in his official capacity as co- :
chair of the New York State Board of Elections;
EVELYN AQUILA, in her official capacity as
commissioner of the New York State Board of
Elections; and GREGORY PETERSON, in his
official capacity as commissioner of the New York
State Board of Elections,

Defendants.

: **DECLARATION OF**
: **CRAIG R. BUCKI IN OPPOSITION**
: **TO DEFENDANTS' MOTION FOR**
: **A PRELIMINARY INJUNCTION**
:

Case No.: 10-CV-751

CRAIG R. BUCKI declares under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice law in the State of New York, and in the United States District Court for the Western District for New York. I am associated with the law firm of Phillips Lytle LLP, counsel to Defendants Douglas Kellner and Evelyn Aquila in the above-captioned action. I make this Declaration as part of all four Defendants' opposition to the motion of Plaintiff National Organization for Marriage, Inc. ("NOM"), for a preliminary injunction.

2. Attached as **Exhibit A** is an article entitled, "A New Kind of Outing," from the September 28, 2010, edition of Newsweek. The article cites NOM's Internet website, which declares that NOM was founded in 2007 "in response to the growing need for an organized opposition to same-sex marriage in state legislatures" (emphasis added).

3. Attached as **Exhibit B** is an article entitled, “New National Religious Right Group Attacks Pro-marriage Equality MA State Legislator,” available at <http://www.talk2action.org/story/2007/10/6/163643/040>. In this article, NOM Executive Director Brian Brown declares that “NOM’s focus” includes efforts “to help candidates that support marriage, and to defeat those candidates that are working to undermine and redefine it.”

4. Attached as **Exhibit C** is a press release issued by NOM on June 16, 2009, to announce the formation of “NOM PAC New York” “to engage in New York state legislative races.” The release announces “an initial target goal of \$500,000 to fund primary challenges for any Republican state senator who votes for gay marriage.” NOM Executive Director Brian Brown further declares that NOM is “looking to aid Democratic candidates who want to buck the establishment on the marriage issue, and to help in general election contests.”

5. Attached as **Exhibit D** is an article entitled, “In Wake of Ballot Initiatives, Questions About the National Organization for Marriage’s Funding,” from the September 20, 2010, edition of the Washington Independent.

6. Attached as **Exhibit E** is an article entitled, “National Organization for Marriage Uses Campaign Loophole to Avoid Disclosure,” from the August 18, 2010, edition of the Minnesota Independent.

7. Attached as **Exhibit F** is an article entitled, “National Opponents of Same-sex Marriage Donate to D.C. Candidate Challenging Marriage Bill Author David Catania,” from the March 12, 2010, edition of Metro Weekly.

8. Attached as **Exhibit G** is a press release issued by NOM on September 29, 2010. In this release, NOM vows to “expos[e] the truth about John Lynch,” New Hampshire’s Governor running for re-election in November 2010. “We want voters to know the truth and we

want John Lynch to know that this Election Day is judgment day,” said NOM Executive Director Brian Brown. “We will not sit idly by and allow New Hampshire voters to be deceived.”

9. Attached as **Exhibit H** is a statement posted on NOM’s website on June 9, 2010. The statement trumpets NOM’s “central role in defeating pro-gay marriage GOP Senate candidate Tom Campbell” in the California primary (emphasis added). “All told, [NOM] spent \$400,000 in TV ads, automated phone calls and internet advertising.” In the same posting, NOM included a clickable button bearing the phrase, “DONATE NOW!” (emphasis in original). “Your gift of \$25, \$50, or even \$500 or more is urgently needed to help make sure we have the resources to stand for marriage wherever the threat arises,” said the posting. “Please make a generous contribution today!”

10. Attached as **Exhibit I** is a press release issued by NOM on January 20, 2010. The release congratulates newly-elected United States Senator Scott Brown of Massachusetts, and declares that NOM “spent \$50,000 in the closing days of the campaign to identify marriage voters in Massachusetts and make sure they turned out and supported Scott Brown.”

11. Attached as **Exhibit J** is a press release issued by NOM on August 25, 2009. The release announces NOM’s launch of a “10-day radio and TV ad campaign in support of Republican candidate Stephen Burgmeier,” who was running for a seat in the Iowa State Legislature.

12. Attached as **Exhibit K** is a press release issued by NOM on October 23, 2009. The release announces NOM’s endorsement of Doug Hoffman to win election to the House of Representatives from New York’s 23rd Congressional District. NOM Executive Director Brian Brown also promises that NOM would spend \$150,000 “to make sure New York

